

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEPHANIE CLIFFORD A.k.a. STORMY DANIELS,

Plaintiff,

v.

DONALD J. TRUMP,

Defendant.

CASE NO. 1:18-cv-03842

Complaint Filed: April 30, 2018

**DECLARATION OF MICHAEL J. AVENATTI IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT DONALD J. TRUMP'S MOTION TO TRANSFER
PURSUANT TO 28 U.S.C. § 1404(a) OR, IN THE ALTERNATIVE, TO DISMISS OR
STAY PURSUANT TO THE "FIRST-FILED" RULE**

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DECLARATION OF MICHAEL J. AVENATTI

I, MICHAEL J. AVENATTI, declare as follows:

1. I am an attorney with the law firm of Avenatti & Associates, APC, counsel for Plaintiff Stephanie Clifford (“Plaintiff”). I am submitting this declaration in support of Plaintiff’s Opposition to Defendant Donald J. Trump’s Motion to Transfer Pursuant To 28 U.S.C. § 1404(A) or, in the Alternative, to Dismiss or Stay Pursuant to the “First-Filed” Rule. I have personal knowledge of the information stated herein and if called to testify to the same would and could do so.

2. Apart from this action, Plaintiff is involved in two actions pending before the Central District of California: Stephanie Clifford v. Donald J. Trump, Essential Consultants LLC, and Michael Cohen, Case No. 2:18-cv-02217-SJO-FFM (the “Declaratory Relief Action”) and Stephanie Clifford v. Keith M. Davidson and Michael Cohen, Case No. 2:18-cv-05052-SJO-FFM (the “Attorney Action”). I am counsel of record for Plaintiff in both actions.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint filed in the Declaratory Relief Action dated March 6, 2018.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Amended Complaint filed in the Declaratory Relief Action dated March 26, 2018.

5. Attached hereto as Exhibit 3 is a true and correct copy of the document titled Confidential Settlement Agreement and Mutual Release: Assignment of Copyright and Non-Disparagement Agreement dated October 28, 2016 (“Settlement Agreement”).

6. Attached hereto as Exhibit 4 is a true and correct copy of the Motion to Compel Arbitration (Notice and Memorandum in Support) filed by Essential Consultants in the Declaratory Relief Action.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Memorandum in Opposition to Essential Consultants' Motion to Compel Arbitration filed by Plaintiff in the Declaratory Relief Action.

8. Attached hereto as Exhibit 6 is true and correct transcript of the April 5, 2018 remarks by Donald Trump, obtained from the Internet.

9. Attached hereto as Exhibit 7 is true and correct copy of the *CNN* article titled "Michael Cohen Says He Used His Own Home Equity Line for Stormy Daniels Payment," obtained from the Internet.

10. Attached hereto as Exhibit 8 is true and correct copy of the March 19, 2018 *Vanity Fair* article titled "'I Have Never Threatened Her in Any Way': Michael Cohen Offers His Side of the Stormy Daniels Saga," obtained from the Internet.

11. Attached hereto as Exhibit 9 is a true and correct copy of the Joinder of Defendant Donald J. Trump in Motion to Compel Arbitration by Defendant Essential Consultants, LLC filed by Mr. Trump in the Declaratory Relief Action.

12. Attached hereto as Exhibit 10 is the Motion to Strike (Notice and Memorandum in Support) filed by Defendant Michael Cohen in the Declaratory Relief Action.

13. On March 21, 2018, in connection with the parties' meet and confer conference regarding the Motion to Compel Arbitration in the Declaratory Relief Action, I asked Defendant Donald Trump's counsel, Mr. Charles Harder, whether Mr. Trump was a party to the purported Settlement Agreement with my client, Ms. Clifford. Mr. Harder would not

provide a straight answer. He then responded “We don’t know.” When I pressed him further, Mr. Harder further responded with “We haven’t done the research yet.” On March 30, I again followed up, this time in an e-mail directed at Mr. Harder and Mr. Brent Blakely, counsel for Mr. Michael Cohen, to ask if Mr. Trump was ever a party to the agreement and, if so, how and when? Neither Mr. Harder nor Mr. Brent Blakely provided a straight answer to these basic questions.

14. Attached hereto as Exhibit 11 is a true and correct copy of the Complaint filed in the Attorney Action dated June 6, 2018.

15. Attached hereto as Exhibit 12 is a true and correct copy of the Motion to Remand (Notice and Memorandum in Support) filed by Plaintiff in the Attorney Action.

16. The court in the Attorney Action granted Plaintiff’s Motion to Remand. A true and correct copy of that Order is attached hereto as Exhibit 13.

17. Attached hereto as Exhibit 14 is a true and correct copy of the Motion to Dismiss for Lack of Personal Jurisdiction (Notice and Memorandum in Support) filed by Defendant Michael Cohen in the Attorney Action.

18. Attached hereto as Exhibit 15 is a true and correct copy of the Memorandum in Opposition filed by Plaintiff to Mr. Cohen’s Motion to Dismiss for Lack of Personal Jurisdiction in the Attorney Action.

19. It is common knowledge and not subject to reasonable dispute that Mr. Trump maintains a residence in Trump Tower in New York City. Attached hereto as Exhibit 15 is a true and correct copy of a printout of the webpage available at <http://www.trumptowerny.com/about> showing the location of Trump Tower in New York City.

I declare, under penalty of perjury and under the laws of the United States of America, that the foregoing is true and correct. Executed on August 6, 2018.

/s/ Michael J. Avenatti
Michael J. Avenatti